

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INSURED ADVOCACY GROUP, LLC,

Plaintiff,

-V-

TREE GUARDIAN USA, LLC et al.,

Defendants.

24-CV-1130 (JMF)

ORDER

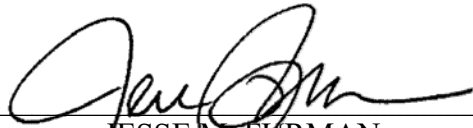
JESSE M. FURMAN, United States District Judge:

On February 21, 2024, the Court ordered that Plaintiff file an amended Complaint adequately alleging the citizenship — for purposes of determining whether subject matter jurisdiction is proper — of each constituent person or entity comprising Schroder FOCUS II Holdings, L.P., the limited partnership that owns the membership interests of the Plaintiff limited liability company. *See* ECF No. 8. Plaintiff timely filed an Amended Complaint, and now alleges that “[t]he limited partner of FOCUS is Schroder FOCUS II Master B, L.P. (“Focus Master”), which is a citizen of the State of Delaware.” ECF No. 9 (“Am. Compl.”), ¶ 3. But Plaintiff fails to allege the citizenship of each constituent person or entity comprising *that* limited partnership. Plaintiff alleges only that “FOCUS Master is not domiciled in or a citizen of the State of Louisiana” and that “[n]one of the individuals who directly or indirectly are partners of FOCUS Master (or FOCUS) are domiciled in or are citizens of the State of Louisiana.” *Id.* As the Court previously explained, however, “[i]t is not enough to allege, in conclusory fashion, that none of a [LP’s partners or owners] are citizens of the same state as [the opposing party].” ECF No. 8 (quoting *Flemming v. Port Auth. of New York & New Jersey*, No. 21-CV-1112 (BMC), 2021 WL 878558, at *1 (E.D.N.Y. Mar. 9, 2021)).

Having given Plaintiff one opportunity to cure the problem, the Court would be on firm ground dismissing the case for failure to properly allege subject-matter jurisdiction, but it will give it one more opportunity to amend its Complaint to adequately allege citizenship no later than **March 1, 2024**. If Plaintiff either does not file an amended Complaint by that date or again fails to adequately allege citizenship, the Court will dismiss this action for lack of subject matter jurisdiction **without further notice**. Additionally, pursuant to Rule 1(B) of this Court's Individual Rules and Practices in Civil Cases, Plaintiff shall file alongside any amended Complaint a redline showing all differences between the original and revised filing.

SO ORDERED.

Dated: February 27, 2024
New York, New York



JESSE M. FURMAN
United States District Judge